



U.S. Department of Justice

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October 22, 2013

BY ELECTRONIC COURT FILING

Honorable Viktor V. Pohorelsky
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Tummino v. Hamburg*, No. 12-CV-0763 (ERK/VVP)

Dear Judge Pohorelsky:

We write with the consent of the plaintiffs in the above-referenced matter to respectfully request a modification to the briefing schedule as to plaintiffs' motion for attorneys' fees and costs (ECF Nos. 97 and 111-125), which Judge Korman has referred to your Honor. By letter motion filed on October 3 (ECF No. 110), plaintiffs first requested that the original briefing schedule be modified (which request was granted by order dated October 7), but because the undersigned was furloughed during the federal lapse in appropriations, counsel for plaintiffs was not able to consult with government counsel about a modified briefing schedule prior to filing that letter motion. Thus, under the schedule currently in place, the government's brief is due by November 12, which is a religious holiday for the undersigned; moreover, the loss of twelve work days while the undersigned was furloughed, together with the sheer volume of the plaintiffs' submissions, necessitates additional time for the government to respond to plaintiffs' papers.

Accordingly, with the consent of counsel for plaintiffs', we respectfully request that the remainder of the briefing schedule for plaintiffs' fees motion be set as follows:

Government's Papers in Opposition to the Motion
Plaintiffs' Reply Papers in Support of Motion

December 5, 2013
December 27, 2013

Hon. Viktor V. Pohorelsky, United States Magistrate Judge
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June 10, 2013

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We appreciate the Court's time and continued attention to this matter.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney
Eastern District of New York

By: /s/ {FILED ELECTRONICALLY} _____
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